

Minutes of Committee on Finance—
Held September 25, 1935.

Regular Meeting.

Present: Beck, Burns, Hill, Holbrook, Hopkins, Isbell, Martin, Neal, Oneal, Poage, Rawlings, Sanderford, Small, Stone, Sulak, Van Zandt, Woodruff.

Absent—excused: Redditt, Hornsby, Regan.

S. B. No. 25 reported favorably.

S. B. No. 24 reported favorably and ordered printed.

BECK, Vice-Chairman.

NINTH DAY—Continued.

Senate Chamber,
Austin, Texas,
September 27, 1935.

The Senate met at 9:30 o'clock a. m. pursuant to recess, and was called to order by Lieutenant Governor Walter Woodul.

Motion to Stand at Ease.

Senator Poage moved that the Senate stand at ease until ten o'clock a. m. Senator Poage withdrew the motion.

Point of Order.

Senator DeBerry raised the point of no quorum.

The roll call disclosed a quorum present.

Senate Bill No. 16.

The Chair laid before the Senate S. B. No. 16 which had been made special order on the calendar.

By Small, Burns, Redditt, Martin, Woodruff, Pace, Hill, Sanderford, Isbell, Oneal.

S. B. No. 16, A bill to be entitled "An Act defining and prohibiting the open saloon and providing penalties for the violation thereof and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

Senator Small sent up the following amendments:

Amend S. B. No. 16, by striking out all above the enacting clause and substitute in lieu thereof, the following:

"A BILL
To Be Entitled

An Act defining and prohibiting the open saloon, defining intoxicating liquor and providing penalties for the violation thereof and declaring an emergency."

Amend S. B. No. 16, by striking out all below the enacting clause and substitute in lieu thereof, the following:

"Section 1. The term "open saloon" as used in this Act means any place where spiritous liquors or medicated compounds capable of producing intoxication or any intoxicant whatever manufactured in whole or in part by means of the process of distillation or any liquor compounded of or composed in part of distilled spirits is sold, bartered or exchanged, or is offered for sale, barter or exchange in broken or unsealed containers or where such sale, barter or exchange or offer of sale, barter or exchange is made for human consumption on the premises where sold, bartered or exchanged or offered for sale, barter or exchange.

Sec. 2. Any person whether as principal or agent or employee who shall operate or assist in operating, or who shall be directly or indirectly interested in operating any open saloon in the State shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine in any sum of not more than One Hundred (\$100.00) Dollars or by confinement in the county jail for any period of time not more than Ninety (90) days or by both such fine and imprisonment.

Sec. 3. Any person, after having been once convicted under the provisions of this Act, who shall operate or assist in operating, or who shall be directly or indirectly interested in operating any saloon in this State, shall be deemed guilty of a misdemeanor and upon conviction therefor shall be punished by confinement in the county jail for any period of time not more than one year.

Sec. 4. Any person after having been twice convicted under the provisions of this Article, who shall thereafter operate or assist in operating, or who shall be directly or indirectly interested in operating any saloon in this State shall be deemed

guilty of a felony and upon conviction therefor, shall be punished by confinement in the state penitentiary for any term of years not less than one, nor more than five (5).

Sec. 5. The fact that the Constitution of Texas has recently been amended provides that: "The open saloon shall be and is hereby prohibited" and mandatorily required the Legislature to define the term "Open Saloon" and enact laws against the same, and the fact that saloons are now being operated in the State in violation of the Constitution, creates an emergency and imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended and that this Act shall be in effect from and after its passage and it is so enacted.

SMALL,
DeBERRY,
ONEAL,
HILL,
VAN ZANDT.

Read.

Senator Small had the floor on discussion of the amendments and moved the adoption of the amendments.

Message From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

Executive Office,
Austin, Texas, Sept. 26, 1935.
To the Senate of the Forty-fourth Legislature (In First Called Session):

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be Members of the Advisory Judicial Council:

Ira P. Hildebrand, of Austin, Travis County, (reappointment, 6-year term beginning July 1, 1935).

Alonzo Wasson, of Dallas, Dallas County, (reappointment, 6-year term beginning July 1, 1935).

To be Members of the State Board of Barber Examiners:

J. M. Burton, of Tulia, Swisher County, to succeed C. W. Dick, of Abilene.

N. J. Dartez, of Beaumont, Jefferson County, to succeed J. L. Dunn, of Corsicana.

To be Member of Industrial Accident Board, Representing Employee of Labor:

H. F. Martin, of Dallas, Dallas County (term effective October 1, 1935, succeeding Mrs. Espa Stanford, resigned).

To be Member of State Commission for the Blind:

James A. Boddeker, of Galveston County (reappointment).

To be Chairman of the Livestock Sanitary Commission:

Louis J. Wardlaw, of Fort Worth, Tarrant County, to succeed Dave Nelson, resigned.

To be Members of Board of Directors of Agricultural and Mechanical College:

Dr. J. T. Lawson, of Bowie, Montague County, to succeed Louis J. Wardlaw, who was appointed chairman of the Livestock Sanitary Commission.

To be Members of the Board of Regents of the College of Arts and Industries at Kingsville:

Sam Fore, of Floresville, Wilson County.

Henry W. Bell, of Brownsville, Cameron County.

(Mr. Fore and Mr. Bell to succeed Robert Lee Bobbitt and Lamar Gill.)

Mrs. Marion B. Stoner, of Victoria, Victoria County (reappointment).

To be Member of the State Library and Historical Commission:

George D. Sears, of Houston, Harris County, to succeed Abe Gordon, of Houston.

Respectfully submitted,

JAMES V. ALLRED,
Governor of Texas.

Read and referred to the Committee on Governor's Nominations.

Message from the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Sept. 27, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following bill:

H. B. No. 18, A bill to be entitled
"An Act requiring licenses for the
operation, maintenance, opening or
establishment of stores in this State,
prescribing the license and filing fees
to be paid therefor, and the dispo-
sition thereof; providing for certain
exceptions and fixing the powers and
duties of the Comptroller of Public
Accounts in connection therewith;
etc., and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 16.

The question recurred on adoption
of the amendments by Senator Small.

The amendments were adopted by
viva voce vote.

Amend S. B. No. 16, as amended,
by adding at the end of Section 1
the following, viz: "or any place
where any other medicated com-
pounds or carbonated waters are
sold, bartered or exchanged."

HOPKINS.

Read.

Senator Hopkins asked unanimous
consent to change his amendment to
read "and any place" instead of "or
any place," as originally sent up.

Unanimous consent was granted.

Senator Hopkins moved the adop-
tion of his amendment.

Senator Woodruff was recognized
to send up a substitute for the
amendment offered by Senator Hop-
kins.

Senator Woodruff yielded to Sen-
ator Hopkins, who sent up the fol-
lowing amendment in lieu of his
original amendment:

Amend Small Substitute by adding
after the word "where" in next to
last line of Section 1, the following,
viz: "such liquor and any other bev-
erage and/or merchandise is."

HOPKINS.

Read.

Senator Woodruff sent up the fol-
lowing substitute for Hopkins amend-
ment:

Amend S. B. No. 16, as amended,
by adding after the word "consump-

tion" and before the word "on"
where they appear conjointly in Sec-
tion 1, the following: ", "or is con-
sumed,"

WOODRUFF.

Read.

Senator Hopkins asked unanimous
consent to withdraw his amendment
so as to offer it later and allow the
amendment by Senator Woodruff to
become the original amendment.

There was objection.

Point of Order.

Senator Hopkins raised the point
of order that the substitute is not
germane to the amendment because
it does not seek to amend the bill in
the same particular as does the
amendment, and the substitute does
not substitute for the amendment but
is new matter in a new place in the
bill in different words and in dif-
ferent particulars.

The Chair, Lieutenant Governor
Woodul presiding, sustained the
point of order.

Motion to Table.

Senator Van Zandt moved to table
the amendment by Senator Hopkins.

Point of Order.

Senator Hopkins raised the point
of order that Senator Van Zandt
did not have the floor to make the
motion.

The Chair, Lieutenant Governor
Walter F. Woodul presiding, over-
ruled the point of order.

The question recurred on the mo-
tion to table.

The motion prevailed by the fol-
lowing vote:

Yeas—15.

Blackert.	Isbell.
Burns.	Neal.
Collie.	Oneal.
Cotten.	Poage.
Davis.	Small.
DeBerry.	Van Zandt.
Hill.	Woodruff.
Hornsby.	

Nays—9.

Beck.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Stone.
Rawlings.	Sulak.
Regan.	

Westerfeld. Absent.

Martin. Absent—Excused.

(Pairs Recorded.)

Senator Pace (present) who would vote yea, with Senator Fellbaum (absent) who would vote nay.

Senator Redditt (present) who would vote yea, with Senator Moore (absent) who would vote nay.

Senator Hopkins sent up the following amendment:

Amend S. B. No. 16 as amended by adding after the word "consumption" in third to the last line, Section 1, the following, "or is consumed."

HOPKINS.

Read.

Motion to Table.

Senator Van Zandt moved to table the amendment offered by Senator Hopkins.

Senator Van Zandt withdrew his motion to table, to allow discussion of the bill by authors.

Motion to Table.

Senator Small moved to table the amendment offered by Senator Hopkins.

The motion prevailed by the following vote:

Yeas—19.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Redditt.
Davis.	Small.
DeBerry.	Van Zandt.
Hill.	Westerfeld.
Hornsby.	Woodruff.
Isbell.	

Nays—8.

Holbrook.	Sanderford.
Hopkins.	Shivers.
Rawlings.	Stone.
Regan.	Sulak.

Absent—Excused.

Fellbaum.	Moore.
Martin.	

The Chair recognized Senator Holbrook to make a motion.

Senate Bill No. 17.

Senator Holbrook asked unanimous consent to set for special order S. B. No. 17 Monday after the morning call.

There was objection.

Senator Holbrook moved to set as special order S. B. No. 17 Monday after the morning call.

The motion lost by the following vote:

Yeas—16.

Blackert.	Oneal.
Collie.	Rawlings.
Davis.	Regan.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Westerfeld.
Neal.	Woodruff.

Nays—11.

Beck.	Poage.
Burns.	Redditt.
Cotten.	Shivers.
DeBerry.	Sulak.
Hill.	Van Zandt.
Pace.	

Absent—Excused.

Fellbaum.	Moore.
Martin.	

Senate Bill No. 16.

The question recurred on passage to engrossment of S. B. No. 16 as amended.

Previous Question.

Senator Van Zandt moved that the previous question be ordered on engrossment of S. B. No. 16.

The motion was seconded by the required number.

The motion prevailed by the following vote:

Yeas—15.

Beck.	Neal.
Burns.	Oneal.
Cotten.	Pace.
Davis.	Redditt.
DeBerry.	Small.
Hill.	Van Zandt.
Hornsby.	Woodruff.
Isbell.	

Nays—12.

Blackert.	Regan.
Collie.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Stone.
Poage.	Sulak.
Rawlings.	Westerfeld.

Absent—Excused.

Fellbaum.	Moore.
Martin.	

Motion to Adjourn.

Senator Rawlings, at 12:10 o'clock p. m., moved that the Senate stand adjourned until Monday morning at 10:00 o'clock a. m.

The motion lost by the following vote:

Yeas—8.

Blackert.	Regan.
Holbrook.	Shivers.
Hopkins.	Stone.
Rawlings.	Sulak

Nays—19.

Beck.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Redditt.
Davis.	Sanderford.
DeBerry.	Small.
Hill.	Van Zandt.
Hornsby.	Westerfeld.
Isbell.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum.	Moore.
Martin.	

Senate Bill No. 16.

The question recurred on the engrossment of S. B. No. 16 as amended.

The bill was read second time as amended and passed to engrossment by the following vote:

Yeas—19.

Beck.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Redditt.
Davis.	Sanderford.
DeBerry.	Small.
Hill.	Van Zandt.
Hornsby.	Westerfeld.
Isbell.	Woodruff.
Neal.	

Nays—8.

Blackert.	Regan.
Holbrook.	Shivers.
Hopkins.	Stone.
Rawlings.	Sulak.

Absent—Excused.

Fellbaum.	Moore.
Martin.	

Senator Small moved that the constitutional rule requiring bills to be read on three several days be suspended and S. B. No. 16 put on its third reading and final passage.

The motion lost not having received the required two-third vote as shown by the following vote:

Yeas—19.

Beck.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Redditt.
Davis.	Sanderford.
DeBerry.	Small.
Hill.	Van Zandt.
Hornsby.	Westerfeld.
Isbell.	Woodruff.
Neal.	

Nays—8.

Blackert.	Regan.
Holbrook.	Shivers.
Hopkins.	Stone.
Rawlings.	Sulak.

Absent—Excused.

Fellbaum.	Moore.
Martin.	

Bill Referred.

H. B. No. 18 was read and referred to the Committee on State Affairs.

Motion to Adjourn.

Senator DeBerry at 12:12 o'clock p. m. moved that the Senate stand adjourned until 12:15 o'clock p. m. Friday.

Senator Rawlings moved that the Senate adjourn until 10:00 o'clock Saturday morning.

The motion lost by viva voce vote.

Senator Hopkins moved that the Senate adjourn until 9:30 o'clock a. m. Monday.

The motion lost by the following vote:

Yeas—8.

Blackert.	Regan.
Holbrook.	Shivers.
Hopkins.	Stone.
Rawlings.	Sulak.

Nays 19.

Beck.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Redditt.
Davis.	Sanderford.
DeBerry.	Small.
Hill.	Van Zandt.
Hornsby.	Westerfeld.
Isbell.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum.	Moore.
Martin.	

Senator Hopkins moved that the Senate adjourn until 3:00 o'clock p. m. today.

The motion lost by the following vote:

Yeas—8.

Blackert.	Regan.
Holbrook.	Shivers.
Hopkins.	Stone.
Rawlings.	Sulak.

Nays—19.

Beck.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Redditt.
Davis.	Sanderford.
DeBerry.	Small.
Hill.	Van Zandt.
Hornsby.	Westerfeld.
Isbell.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum.	Moore.
Martin.	

Senator Hopkins moved that the Senate recess until 3:00 o'clock p. m. today.

The motion lost by the following vote:

Yeas—8.

Blackert.	Regan.
Holbrook.	Shivers.
Hopkins.	Stone.
Rawlings.	Sulak.

Nays—19.

Beck.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Redditt.
Davis.	Sanderford.
DeBerry.	Small.
Hill.	Van Zandt.
Hornsby.	Westerfeld.
Isbell.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum.	Moore.
Martin.	

Adjournment.

The motion by Senator DeBerry prevailed by viva voce vote.

TENTH DAY.

Senate Chamber,
Austin, Texas,
September 27, 1935.

The Senate met at 12:15 o'clock p. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
DeBerry.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Neal.	Woodruff.
Oneal.	

Absent—Excused.

Fellbaum.	Moore.
Martin.	

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Hill.

Committee Reports.

(See Appendix.)

Minutes of Committee Meetings.

(See Appendix.)